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09/808,243	03/14/2001	Richard Muhlbacher	LEAR 0835 PUS	4800

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EXAMINER

THOMPSON, CAMIE S

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 06/25/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application No.	Applicant(s)
	09/808,243	MUHLBACHER ET AL.
	Examiner	Art Unit
	Camie S Thompson	1774

-- Th MAILING DATE of this communication app ars on th cover sheet with the c rrespondence address --

**Peri d for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_\_.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-18 is/are rejected.

7) Claim(s) 5 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 14 March 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> .	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: In Figure 2, there is a reference number 14; however, there is no description of reference number 14 in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because Figure 1 has reference number 7 shown as the upper foam panel and reference number 8 is shown as the lower foam panel. The specification lists the lower foam panel as reference number 7 and the upper foam panel as reference number 8. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 5 is objected to because of the following informalities: Claim 5 has an exclamation point for the material thickness of the foam panels. It is unclear what the upper limit of the material thickness is for the foam panels. Appropriate correction is required.

Art Unit: 1774

4. Claim 6 is objected to because of the following informalities: The language, "is implemented such that in comparison", is unnecessary. The examiner suggests stating the upper foam panel has a smaller dimension than the lower foam panel.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. The term "in particular" in claims 1 is a relative term that renders the claim indefinite.

The term "in particular" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Claim 1 fails to distinctly point out that the lining component is an inside roof lining.

8. The phrase "comparatively high" in claim 1 renders the claim indefinite. Claim 1 fails to provide a standard for the flexural strength of the support layer. Claim 1 does not point out what the flexural strength of the support layer is compared to.

9. The term "preferably" in claim 5 is a relative term that renders the claim indefinite. The term "preferably" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably

apprised of the scope of the invention. Claim 5 does not distinctly point out that ratio of the material thickness of the upper and lower foam panels is 0.3 to 0.75.

10. Claim 7 is indefinite because of the phrase "in particular". Claim 7 fails to distinctly point out whether all layers of the lining component are interconnected or just the upper and lower foam panels are interconnected.

11. Regarding claim 11, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

12. Claim 17 is indefinite because of the phrase "in particular". Claim 17 does not distinctly point out that whether the connection layers or just the polyurethane adhesive layers are arranged between the upper and lower foam panels.

#### *Claim Rejections - 35 USC § 103*

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haeseker et al., U.S. Patent No. 4,479,992 in view of Ohta et al., U.S. Patent No. 4,791,019.

The Haeseker patent is directed towards a roof lining for automobiles that consists of a decorative layer, an intermediate layer and a support layer wherein the support layer consists of a

plurality of mutually bonded layers as per instant claims 1 and 2 (see Figure 1a, Figure 2b, and column 2, lines 23-65). Haeseker discloses an upper layer and a lower layer for the support layer system wherein the upper and lower layers are interconnected along their whole area of contact as per instant claims 1 and 2 (see Figure 2b). The reference does not disclose that the upper and lower foam panels of the support layer comprise of polyurethane as per instant claims 11 and 12. Ohta teaches polyurethane foam material as a support layer, lower layer, having a facing and an expanded pad, upper layer, for use in the interior of motor vehicles (see column 1). It would have been obvious to one of ordinary skill in the art to use polyurethane as the upper and lower foam layers to allow the support layer to be relatively light in weight yet have rigidity and strength (see column 2, lines 3-7). Ohta also teaches that the polyurethane foam has an expanded pad layer with a continuous glass strand mat with reinforced glass fibers primarily to rear side of the polyurethane foam material as per instant claim 8. It would have been obvious to one of ordinary skill in the art to use a continuous strand mat with glass fibers on the back of the polyurethane foam because the mat would provide a soft feel and excellent rigidity and strength (Ohta reference: see column 2, lines 41-51).

Haeseker discloses that the roof lining consists of pressed or resin bonded felts as per instant claims 1, 7 and 18 (see column 1, lines 27-30). In addition, the Haeseker reference also discloses that the support layer has a polyester fiber fleece facing away from the foam panels as per instant claims 9 and 15 (see column 2, lines 24-29 and column 4, lines 5-6). Haeseker does not disclose cushioning layers. Ohta teaches a cushion pad interposed between the support core and the decorative facing as per instant claim 10. It would have been obvious to one of ordinary skill in

the art to use a cushioning pad so as to provide a soft feel and flexibility as per instant claim 14 (see column 1, lines 27-31).

In Figure 1a, the Haeseker reference shows that the upper foam panel has a different material thickness than that of the lower foam panel as per instant claims 3, 4 and 6. It would have been obvious to one of ordinary skill in the art that because the upper and lower foam layers have different material thickness, each layer would then have different porosities as per instant claim 13.

Neither reference discloses the ratio of the thicknesses of the lower and upper foam panels as per instant claim 5. As shown in Figure 1a of the Haeseker reference, the upper foam panel has a smaller dimension than that of the lower foam panel. Haeseker also discloses that the support layer has a greater compressive strength than the intermediate and decorative layer because the support layer is compacted over a part of its extent to a closed layer of reduced thickness (see abstract). Therefore, it would have been obvious to one of ordinary skill in the art to have a ratio of material thickness for the upper and lower foam layers at 0.01 to 0.95 because the upper foam layer with greater thickness provides for greater compressive strength.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Camie S. Thompson whose telephone number is (703) 305-4488. The examiner can normally be reached on Monday through Friday from 7:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly, can be reached at (703) 308-0449. The fax phone numbers for the Group are (703) 872-9310 {before finals} and (703) 872-9311 {after finals}.

Art Unit: 1774

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is  
(703) 308-0661.

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

